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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,945	02/18/2000	David P. Ress	10610RNUS02U;1273/19	9089

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EXAMINER

DO, NHAT Q

ART UNIT

PAPER NUMBER

2663

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/506,945	RESS ET AL.
	Examiner	Art Unit
	Nhat Do	2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 March 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 11-15, 21 and 27-33 is/are rejected.
- 7) Claim(s) 10, 16-19 and 22-26 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 February 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5.7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: the limitations “a first interworking agent” and “a second interworking agent” should be changed (for example) to “a first interworking agent component” and “a second interworking agent component” respectively as described in specification (page 11, line 20) in order to prevent confusing with the limitation “interworking agent”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 8, 9, 11, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,339,594 to Civanlar et al.

Regarding to claim 1, Civanlar et al disclose a server (Fig. 4) comprising:

Interface 311 (first protocol agent) communicates with user station 300 (first IP telephony device) using Q.931 (first IP telephony protocol) (Col. 9, lines 8-10);

Interface 312 (second protocol agent) communicates with gateway 120 (second IP telephony device) (Col. 9, lines 3-13) using appropriate protocol (second protocol) (Col. 5, lines 25-44);

Signaling format adaptation 104 (the core elements 104, 105, 204, and 304 constitute the claimed interworking agent) provides signal translation (functions) for the interfaces 311 and 312 using a generic format (third protocol) (Col. 5, lines 1-5).

Regarding to claim 2, Civanlar et al disclose the block 104 receives signals from one interface, performs analysis, and transmits the result to the other interface (Col. 5, lines 50-53). Then, the component that receives signal from one interface is considered the first internetworking agent and the component that transmits the result to the other interface is considered the second interworking agent.

Regarding to claim 8, Civanlar et al disclose the interface 311 performs originating call function and the interface 312 performs terminating function (Fig. 6A, and 6B).

Regarding to claim 9, Civanlar et al disclose the section manager 304 bridges parameter data (Col. 7, lines 47-53).

Regarding to claim 11, Civanlar et al disclose:

The interface 311 communicates with the unit 300 (first telephone device) using IP protocol (messages in first protocol) (Col. 9, lines 8-10);

Signals are interchanged in a generic format (second protocol) between the interfaces 311 (first protocol agent) and 312 (second protocol agent) via core elements (Col. 5, lines 1-8);

The interface 312 (second protocol agent) converts the information to an appropriate format (third protocol) (Col. 5, lines 52-53).

Civanlar et al disclose the set-up message includes capacities and status information (Col. 7, lines 47-53; fig. 6B).

Regarding to claim 20, Civanlar et al disclose the interface 312 sends the capabilities message to the gateway 120 (second device) (Fig. 6B, step 603).

Regarding to claim 21, Civanlar et al disclose:

Call-setup request (first message) is received (Col. 6, line 20);

The signaling format adaptation 104 translates the call set-up request (first message in first protocol) into an appropriate form (second message in second protocol) based on the determination of the destination interface (Col. 6, lines 19-28).

Civanlar et al also disclose the source and destination can be two IP terminals (Col. 6, line 41). It is inherent that the setup message is not translated because the protocol is the same.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al.

Regarding to claim 27, Civanlar et al. disclose:

Interface 311 (first protocol agent) communicates with user station 300 (first IP telephony device) using Q.931 (first IP telephony protocol) (Col. 9, lines 8-10);

Interface 312 (second protocol agent) communicates with gateway 120 (second IP telephony device) (Col. 9, lines 3-13) using appropriate protocol (second protocol) (Col. 5, lines 25-44);

Convert to the generic format (mapping) and transmit messages containing media capabilities between the interfaces using a generic format (third protocol) (Col. 5, lines 1-8; col. 7, lines 47-53).

Regarding to claim 28, Civanlar et al disclose the interface 311 performs originating call function and the interface 312 performs terminating function (Fig. 6A, and 6B).

Regarding to claim 29, Civanlar et al disclose the interface 312 converts (mapping) the messages back to second protocol (Col. 5, lines 52-54).

Civanlar at al fail to disclose a computer program product stored in a computer readable medium for performing these steps.

Since it is well known in the art that a procedure can be implemented by software, hardware or the combination of both. Software is suitable for a system that requires frequent modification because the only change that must be done is rewriting the program. A person of ordinary skill in the art would have been motivated to implement a system by software in order to employ its easy-to-modify feature. Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to write a computer program product and store the program in a computer readable medium for performing these steps.

6. Claims 3-7, 12-15, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar at al as applied to claim 1 above, and further in view of “An architecture for Residential Internet Telephony Service” written by Huitema et al.

Regarding to claims 3-7, and 12-15, Civanlar et al fail to disclose each of the interfaces 311 and 312 uses one of MGCP, H.323, SIP, or Q.931 protocol. Huitema et al disclose a similar system with a call agent (protocol agent) uses different combination of protocol (Fig. 2, 5). Huitema et al also disclose: a protocol can be selected depends on the requirement of a specific application (Page 56, left column, lines 1, and 2).

A person of ordinary skill in the art would have been motivated to modify the interfaces 311 and 312 by making each of the interfaces 311, and 312 uses one of MGCP, H.323, SIP, or Q.931 protocol depending on requirement of a specific application as taught by Huitema et al. Therefore it would have been obvious to a person having ordinary skill in the art by the time the invention was made to make the interfaces 311, and 312 uses one of MGCP, H.323, SIP, Q.931 protocol as specified in claims 3-7 and 12-15.

Regarding to claims 30-33, Civanlar et al and Huitema et al fail to disclose a computer program product in a computer readable medium for performing these steps.

Since it is well known in the art that a procedure can be implemented by software, hardware or the combination of both. Software is suitable for a system that requires frequent modification because the only change that must be done is rewriting the program. A person of ordinary skill in the art would have been motivated to implement a system by software in order to employ its easy-to-modify feature. Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to write a computer program product and store the program in a computer readable medium for performing the steps of claims 30-33.

Allowable Subject Matter

7. Claims 10, 16-19, and 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhat Do
Examiner
Art Unit 2663

ND

May 13, 2003



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
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